

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

ANDRE L. MURPHY, SR.,	)	1:05-cv-00186-AWI-TAG HC
	)	
Petitioner,	)	ORDER ADOPTING REPORT AND
	)	RECOMMENDATION (Doc. 16)
v.	)	
	)	ORDER DISMISSING AMENDED PETITION
	)	FOR WRIT OF HABEAS CORPUS (Doc. 8)
D.L. RUNNELS,	)	
	)	ORDER DIRECTING CLERK OF COURT
	)	TO ENTER JUDGMENT
Respondent.	)	
	)	
	)	

On February 22, 2005, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 in this Court. (Doc. 1). On June 14, 2005, Petitioner filed an amended petition. (Doc. 8).

On August 25, 2006, the Magistrate Judge assigned to the case filed a Report and Recommendation recommending that Respondent's Motion to Dismiss be GRANTED and that the amended petition for writ of habeas corpus be DISMISSED having been filed beyond the one-year limitations period provided for in 28 U.S.C. § 2244(d)(1). (Doc. 16). This Report and Recommendation was served on all parties and contained notice that any objections were to be filed within fifteen days from the date of service of that order. To date, the parties have not filed

1 timely objections to the Report and Recommendation.

2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted  
3 a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that  
4 the Magistrate Judge's Report and Recommendation is supported by the record and proper  
5 analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Report and Recommendation, filed August 25, 2006 (Doc. 16), is ADOPTED  
8 IN FULL;  
9 2. Respondent's motion to dismiss (Doc. 12) is GRANTED;  
10 3. This amended petition for writ of habeas corpus (Doc. 8), is DISMISSED; and  
11 4. The Clerk of Court is DIRECTED to ENTER JUDGMENT and close the file.

12 This order terminates the action in its entirety.

13  
14 IT IS SO ORDERED.

15 **Dated: September 26, 2006**  
16 0m8i78

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE